THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.4938 OF 2003

DATED: 20-12-2006

Between:

Katta Ramaiah and another

.. Petitioners

and

The Executive Engineer, Irrigation Department (Minor Irrigation), Cuddapah, Cuddapah District and others

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.4938 OF 2003

Order:

This writ petition is filed seeking a mandamus declaring the action of the 1st respondent in not preventing the respondents 2 and 3 from closing down the watercourse (Vanka) existing for the flowing of the water from Durgambodu hills of Pollopalli village into Malemarpuram-Garugupalle tank by formation of a road on it and the action of the respondents 2 and 3 in taking steps for formation of such road, as arbitrary and illegal.

It appears, the petitioners are agriculturists owning various extents of land in various survey numbers of Garugupalle village, hamlet of Malemarpuram village, Chitvel Mandal, Kadapa District. Their lands are situated in Malemarpuram village limits. The rainy water from eastern hills of Pollopalli village of Chitvel Mandal flows into Malemarpuram Cheruvu (tank) taking a long course through the Vanka. The Vanka flows during the rainy season from east to west to reach Malemarpuram Cheruvu (tank), which is sometimes called as Garugupalle Cheruvu. The Vanka serves an Ayakatta of 80 to 120 acres depending upon the rains during the season. The watercourse is formed naturally and it runs through Sy.Nos.1995, 1882, 1884/1 and 1884/3 with a width of 10-12 feet. The respondents 2 and 3, without making any enquiries and without visiting the place, have ordered for closing of the watercourse and filling the same with earth so as to form a road. According to the petitioners, if the proposed road is formed, it will cause extensive damage to the fields and crop of the petitioners

and several others as the stagnated water will spoil them. There is no other outlet for the water to go except through the existing watercourse (Vanka). Over a period of time, even the fields of the petitioners may become uncultivable if water gets stagnated there continuously. Hence this writ petition.

No counter is filed.

The only grievance of the petitioners is that the respondents 2 and 3 are closing the watercourse (Vanka) existing for the flowing of water from Durgambodu hills of Pollopali village into Malemarpuram-Garugupalle tank by formation of a road on it and the action of the respondents is arbitrary and illegal.

In view of the above and since no counter has been filed, I deem it appropriate to direct the respondents 1 and 2 to treat this very writ petition as a representation filed by the petitioners and consider the same after putting the petitioners on notice and hearing all the affected parties and decide the matter by conducting spot inspection, within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioners.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

20-12-2006.

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